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Attorney for the Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	<b>2:16-cr-273-APG-GWF</b>
	)	
	)	MOTION TO CONTINUE
Plaintiff,	)	SENTENCING HEARING
	)	
vs.	)	
	)	
BILLY RAY McDUFFY,	)	
	)	
Defendant.	)	
	)	

**MOTION TO CONTINUE SENTENCING HEARING**

COMES NOW the United States of America, by and through Steven W. Myhre, Acting United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and respectfully moves that the sentencing hearing for the above-captioned matter, currently scheduled for October 3, 2017, at the hour of 9:30 a.m., be vacated and continued to a date and time convenient to this Court, but in no event earlier than one (1) week. This motion is filed for the following reasons:

1. The Defendant's Sentencing Memorandum was filed (under seal) and served on the Government on September 26, 2017.

1           2.       Undersigned counsel for the Government had been previously preparing for trial  
2 in the matter of *United States v. Richard Scavone*, case number 2:16-cr-005-RFB, which was  
3 scheduled to commence on October 2, 2017. The *Scavone* matter resolved with a plea agreement  
4 on September 28, 2017.

5           3.       Given the specific assertions contained in the Defendant's Sentencing  
6 Memorandum, which include the casting of aspersions on the undersigned, the Government  
7 needs additional time to file a response, taking into account due diligence.

8           4.       This motion, requesting a one-week continuance, is not filed for the purposes of  
9 delay.

10           DATED: September 29, 2017.

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12           \_\_\_\_\_  
          /s/  
13 PHILLIP N. SMITH, JR.  
14 Assistant United States Attorney  
15 Counsel for the United States  
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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 UNITED STATES OF AMERICA, ) **2:16-cr-273-APG-GWF**  
7 )  
8 Plaintiff, ) **ORDER CONTINUING**  
9 ) **SENTENCING HEARING**  
10 vs. )  
11 )  
12 BILLY RAY McDUFFY, )  
Defendant. )  
\_\_\_\_\_ )

13  
14 **ORDER**

15 Based on the pending stipulation of counsel, and good cause appearing therefore, **IT IS**  
16 **HEREBY ORDERED**, that the sentencing hearing in the above-captioned matter, currently  
17 scheduled for October 3, 2017 at the hour of 9:30 a.m., be vacated and continued to  
18 \_\_\_\_\_ October 12, 2017 at the hour of \_\_\_\_\_ 10:30 a.m.

19  
20 Dated: September 29, 2017

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22 \_\_\_\_\_  
23 UNITED STATES DISTRICT JUDGE  
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